



PATENT  
Attorney Docket No. 101.0112-01000  
Customer No. 22882

1PW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Gary K. Michelson, M.D.

Serial No.: 10/809,242

Filed: March 25, 2004

For: INSTRUMENTATION FOR USE WITH  
DYNAMIC SINGLE-LOCK ANTERIOR  
CERVICAL PLATE SYSTEM HAVING  
NON-DETACHABLY FASTENED AND  
MOVEABLE SEGMENTS

Confirmation No.: 6717

Group Art Unit: 3732

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING VIA FIRST CLASS MAIL**

Date of Deposit: September 16, 2004

I hereby certify that:

1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
2. Form PTO-1449
3. Self-addressed return postcard receipt

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Date: September 16, 2004

  
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Express Mail Label No. ED149927685US

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Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

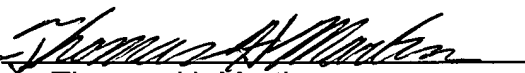
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: September 16, 2004

By: 

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Substitute for FORM PTO-1449		Attorney Docket Number 101.0112-01000	Customer No. 22882
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>		Applicant Gary K. Michelson, M.D.	Application Number 10/809,242
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date March 25, 2004	Group Art Unit 3732 Examiner (P. Philogene)

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,034,418	7/1991	Yamagishi et al.			

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.